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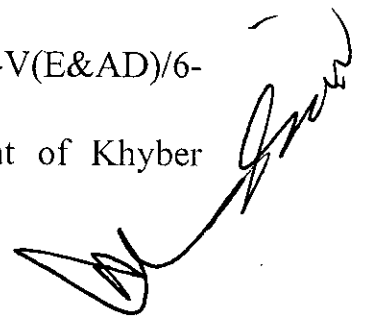
Service Appeal No.8646/2020 titled "Mir Adam Khan Vs. Government  
of Khyber Pakhtunkhwa"

ORDER

10<sup>th</sup> July. 2024 **Kalim Arshad Khan, Chairman:** Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Wilayat Ullah, Chief Engineer, PHED and Mr. Kamran Shahid ASO for official respondents present. Private respondents present through counsel.

2. According to the memorandum and grounds of appeal, the appellant was appointed as Sub Engineer vide order dated 09.10.1987 in the Public Health Engineering Department. That on 16.09.2008, he was promoted to the post of Assistant Engineer (BPS-17) on Acting Charge Basis and later on vide Notification dated 16.06.2011 his services were regularized. That vide Notification dated 07.10.2012, he was promoted to the post of Executive Engineer (BPS-18) on Acting Charge Basis. That on 13.12.2018, the respondent Department issued seniority list of Executive Engineers, wherein, the appellant was placed at Serial No.24 junior to his alleged junior colleagues who were placed at Serial Nos.20, 21, 22 & 23. Therefore, he filed departmental appeal on 23.03.2019 but the same was regretted on 23.09.2020, hence, this appeal.

3. After arguing the matter at length, the learned counsel for appellant was confronted as to which order was challenged before the Tribunal, he referred to a letter No.SOR-V(E&AD)/6-1/PHE/2018 dated 28.06.2019 of the Government of Khyber



Pakhtunkhwa, Establishment Department in response to the letter No.SO(Estt)PHED/13-77/2015-16/Vol.III dated 20.06.2019 of the PHE Department was communicated to the appellant through letter dated 23<sup>rd</sup> July, 2020 by the Section Officer Establishment, however, when inquired as to whether seniority was fixed by the PHE Department after receipt of advice vide above letter and making this correspondence, to which, the Chief Engineer PHED, present in the Court, said that no seniority was fixed thereafter.

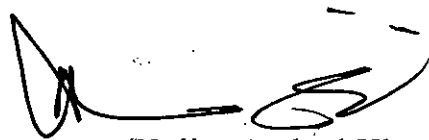
4. In view of the above situation, learned counsel for the appellant as well as the Chief Engineer of the PHE Department and learned District Attorney jointly requested that the matter might be sent to the department for passing an order regarding fixation of seniority of the appellant in accordance with law and rules in vogue. Disposed of accordingly. Consign.

5. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 10<sup>th</sup> day of July, 2024.*



(Muhammad Akbar Khan)  
Member (E)

\*Attaazem Shah \*



(Kalim Arshad Khan)  
Chairman